



# CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Public Hearing to Consider Adopting Resolution Establishing an Area of Benefit and Reimbursable Costs for Kettleman Lane Improvements

**MEETING DATE:** October 20, 2004

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council conduct a Public Hearing to consider adopting a resolution establishing an area of benefit and reimbursable costs for Kettleman Lane Improvements fronting the parcels located on Kettleman Lane, as shown on Exhibit A.

**BACKGROUND INFORMATION:** As part of the Kettleman Lane Gap Closure Project, the City is installing public improvements that include widening the north side of Kettleman Lane between Lower Sacramento Road and the WID Canal.

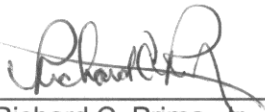
The City project includes the installation of street improvements (curb, gutter, sidewalk and pavement) on the north side of Kettleman Lane that directly benefit the properties located on the north side of Kettleman Lane between Tienda Drive and Lakeshore Drive. The benefiting properties are shown on Exhibit A as the Area of Benefit.

Pursuant to Lodi Municipal Code (LMC) §16.40.030, the costs of improvements installed by the City that benefit adjacent properties and would be required of the properties upon development are reimbursable to the City. The reimbursable costs for each of the benefiting properties have been calculated based on the length of frontage of each parcel and are shown on Exhibit B. First Church of the Nazarene, the owner of the property at 2223 West Kettleman Lane, entered into an agreement with the City on August 5, 1998. In part, the agreement stated that the City would pay for the design and construction of the Kettleman Lane frontage improvement in exchange for the right-of-way dedication on Kettleman Lane. Thus, this parcel is not included. Other parcels along this segment are already developed and have installed their frontage improvements as part of their development.

Since the Kettleman Lane Improvement Project is not complete yet, the reimbursable amounts shown on Exhibit B are maximum estimates only and will be adjusted upon the completion and acceptance of the Kettleman Lane Improvement Project. Staff requests permission to implement the necessary adjustments at completion of the project of the amounts shown without further Council action. The reimbursement costs will be due at the time of development of the respective parcels. Pursuant to LMC §15.64.080, the reimbursable amount will be adjusted annually to include an amount attributable to interest, which will be based on the change in the Engineering News Record 20 Cities Construction Cost Index from December 2003 to January 1<sup>st</sup> of the year of reimbursement.

In conformance with LMC 16.40, staff recommends that Council conduct a public hearing to establish an area of benefit and reimbursable costs to recover the cost of street improvements on the north side of Kettleman Lane fronting the benefiting properties.

**FUNDING:** Not applicable.

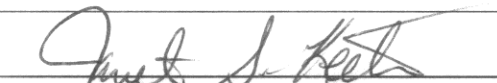
  
Richard C. Prima, Jr.  
Public Works Director

Prepared by Lyman Chang, Associate Civil Engineer  
Attachments

cc: Senior Civil Engineer Welch

Associate Civil Engineer Chang

**APPROVED:**

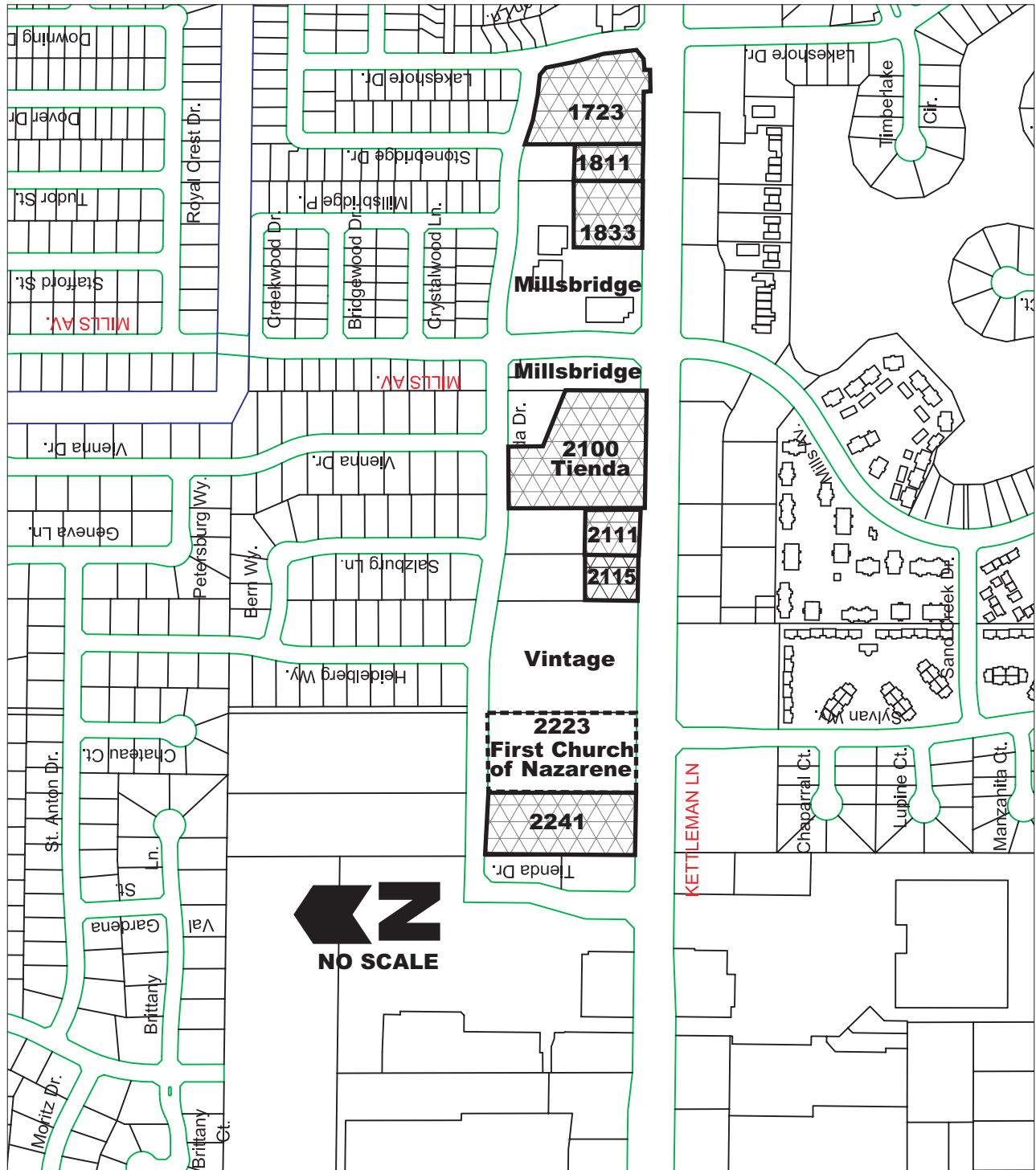
  
Janet S. Keeter, Interim City Manager



# CITY OF LODI

PUBLICWORKSDEPARTMENT

## EXHIBIT A KETTLEMAN LANE AREA OF BENEFIT



# Exhibit B

City of Lodi  
Public Works Department  
Kettleman Lane Frontage Improvement Reimbursement <sup>(1)</sup>

Frontage Improvements from 34 feet out from the right-of-way only

						2241 W Kettleman		2115 W Kettleman		2111 W Kettleman		2100 Tienda		1833 W Kettleman		1811 W Kettleman		1723 W Kettleman	
						SJCOE School		Brittany LLC		John Giannoni		Church of God 7th Day of Lodi		Mary Tsutoaka		John Bezug		George Nakamura	
						027-410-15		027-410-20		027-410-21		027-410-22		031-040-20		031-040-40		031-040-42	
Item	Description	Qty	Unit	Price	Total	Qty	Total	Qty	Total	Qty	Total	Qty	Total	Qty	Total	Qty	Total	Qty	Total
1	Roadway Excavation	1,974	M <sup>3</sup>	25.00	\$ 49,359.38	230	\$ 5,737.50	223	\$ 5,568.75	219	\$ 5,484.38	489	\$ 12,217.50	300	\$ 7,492.50	174	\$ 4,353.75	340	\$ 8,505.00
2	Class II AB	1,612	M <sup>3</sup>	50.00	\$ 80,614.20	191	\$ 9,566.80	179	\$ 8,962.70	177	\$ 8,829.95	389	\$ 19,454.55	241	\$ 12,052.20	145	\$ 7,263.90	290	\$ 14,484.10
3	Asphalt Concrete (Class B)	1,251	TONNE	45.00	\$ 56,301.44	145	\$ 6,544.44	141	\$ 6,351.96	139	\$ 6,255.72	310	\$ 13,935.81	190	\$ 8,546.27	110	\$ 4,966.08	216	\$ 9,701.17
4	Asphalt Concrete, Misc	185	M <sup>2</sup>	15.00	\$ 2,769.00	23.4	\$ 351.00	18.8	\$ 282.00	18.8	\$ 282.00	0	-	16.2	\$ 243.00	32.4	\$ 486.00	75	\$ 1,125.00
5	Minor Concrete	166	M <sup>3</sup>	400.00	\$ 66,499.74	24	\$ 9,550.68	18	\$ 7,045.16	17	\$ 6,957.56	41	\$ 16,376.82	24	\$ 9,588.80	14	\$ 5,599.60	28	\$ 11,381.12
6	Storm Drain Catch Basin <sup>(2)</sup>	2	EA	1,200.00	\$ 2,400.00	0.29	\$ 349.45	0.21	\$ 247.06	0.20	\$ 243.75	0.52	\$ 618.46	0.29	\$ 352.87	0.16	\$ 192.97	0.33	\$ 395.43
7	450 mm Concrete Pipe <sup>(2)</sup>	128	M	140.00	\$ 17,920.00	18.64	\$ 2,609.23	13.18	\$ 1,844.74	13.00	\$ 1,820.04	32.98	\$ 4,617.81	18.82	\$ 2,634.75	10.29	\$ 1,440.88	21.09	\$ 2,952.57
8	Lighting (Street) <sup>(2)</sup>	11	EA	3,025.00	\$ 33,275.00	1.60	\$ 4,844.98	1.13	\$ 3,425.42	1.12	\$ 3,379.56	2.83	\$ 8,574.64	1.62	\$ 4,892.37	0.88	\$ 2,675.52	1.81	\$ 5,482.51
9	Miscellaneous Items <sup>(2) (3)</sup>	1	LS	30,800.00	\$ 30,800.00	0.15	\$ 4,484.61	0.10	\$ 3,170.64	0.10	\$ 3,128.19	0.26	\$ 7,936.86	0.15	\$ 4,528.48	0.08	\$ 2,476.51	0.16	\$ 5,074.72
Subtotal					\$ 339,938.75	\$ 44,038.68		\$ 36,898.43		\$ 36,381.13		\$ 83,732.45		\$ 50,331.23		\$ 29,455.20		\$ 59,101.62	
10% Engineering & Contract Administration					\$ 33,993.88	\$ 4,403.87		\$ 3,689.84		\$ 3,638.11		\$ 8,373.24		\$ 5,033.12		\$ 2,945.52		\$ 5,910.16	
5% Contingencies					\$ 16,996.94	\$ 2,201.93		\$ 1,844.92		\$ 1,819.06		\$ 4,186.62		\$ 2,516.56		\$ 1,472.76		\$ 2,955.08	
Total Reimbursable Costs					\$ 390,929.56	\$ 50,644.48		\$ 42,433.19		\$ 41,838.30		\$ 96,292.32		\$ 57,880.92		\$ 33,873.48		\$ 67,966.87	

<sup>(1)</sup> Estimate based on actual contract prices from Lane Gap Closure Project. Except for Item 6.

<sup>(2)</sup> Prorated based on length of parcel frontage on Kettleman Lane.

<sup>(3)</sup> Miscellaneous Items include Traffic Control, Clearing & Grubbing, and other miscellaneous items.

RESOLUTION NO. 2004-220

A RESOLUTION OF THE LODI CITY COUNCIL ESTABLISHING  
AN AREA OF BENEFIT AND REIMBURSABLE COSTS FOR  
KETTLEMAN LANE IMPROVEMENTS

=====

WHEREAS, as part of the Kettleman Lane Gap Closure Project, the City is installing public improvements that include widening the north side of Kettleman Lane between Lower Sacramento Road and the Woodbridge Irrigation Canal (WID); and

WHEREAS, the City project includes the installation of street improvements (curb, gutter, sidewalk and pavement) on the north side of Kettleman Lane that directly benefit the properties located on the north side of Kettleman Lane between Tienda Drive and Lakeshore Drive. The benefiting properties are shown on Exhibit A as the Area of Benefit; and

WHEREAS, pursuant to Lodi Municipal Code (LMC) §16.40.030, the costs of improvements installed by the City that benefit adjacent properties and would be required of the properties upon development are reimbursable to the City. The reimbursable costs for each of the benefiting properties have been calculated based on the length of frontage of each parcel and are shown on Exhibit B. First Church of the Nazarene, the owner of the property at 2223 West Kettleman Lane, entered into an agreement with the City on August 5, 1998. In part, the agreement stated that the City would pay for the design and construction of the Kettleman Lane frontage improvement in exchange for the right-of-way dedication on Kettleman Lane. Thus, this parcel is not included. Other parcels along this segment are already developed and have installed their frontage improvements as part of their development; and

WHEREAS, since the Kettleman Lane Improvement Project is not complete yet, the reimbursable amounts shown on Exhibit B are maximum estimates only and will be adjusted upon the completion and acceptance of the Kettleman Lane Improvement Project. Staff requests permission to implement the necessary adjustments at completion of the project of the amounts shown without further Council action. The reimbursement costs will be due at the time of development of the respective parcels. Pursuant to LMC §15.64.080, the reimbursable amount will be adjusted annually to include an amount attributable to interest, which will be based on the change in the Engineering News Record 20 Cities Construction Cost Index from December 2003 to January 1<sup>st</sup> of the year of reimbursement; and

WHEREAS, in conformance with LMC 16.40, staff recommends that Council conduct a public hearing to establish an area of benefit and reimbursable costs to recover the cost of street improvements on the north side of Kettleman Lane fronting the benefiting properties.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that:

- a) The City Council hereby establishes an area of benefit and reimbursable costs to recover the cost for street improvements on the north side of Kettleman Lane fronting the benefiting properties as shown on Exhibit A attached. The reimbursable costs for each property are shown on Exhibit B attached and shall be collected at the time of development for each parcel; and
- b) Since the Kettleman Lane Improvement Project is not complete yet, the reimbursable amounts shown on Exhibit B are maximum estimates only and will be adjusted upon the completion and acceptance of the Kettleman Lane Improvement Project. Staff is hereby authorized to implement the necessary adjustments at completion of the project of the amounts shown without further Council action. The reimbursement costs will be due at the time of development of the respective parcels. Pursuant to LMC §15.64.080, the reimbursable amounts will be adjusted annually to include an amount attributable to interest, which will be based on the change in the Engineering News Record 20 Cities Construction Cost Index from December 2003 to January 1<sup>st</sup> of the year of reimbursement. The beginning ENR index will be 6581.

Dated: October 20, 2004

=====

I hereby certify that Resolution No. 2004-220 was passed and adopted by the Lodi City Council in a regular meeting held October 20, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

  
Susan J. Blackston  
City Clerk



# CITY OF LODI

PUBLIC WORKS DEPARTMENT

## EXHIBIT A KETTLEMAN LANE AREA OF BENEFIT



**Exhibit B**

**City of Lodi**  
**Public Works Department**  
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<sup>(2)</sup> Prorated based on length of parcel frontage on Kettleman Lane.

<sup>(3)</sup> Miscellaneous Items include Traffic Control, Clearing & Grubbing, and other miscellaneous items.

**NOTICE OF PUBLIC HEARING**  
**LODI CITY COUNCIL**  
**221 W. PINE STREET, LODI, 95240 --TELEPHONE 333-6702**

**DATE:** Wednesday, October 20, 2004

**TIME:** 7:00 p.m., or as soon thereafter as the matter can be heard

**PLACE:** Carnegie Forum, 305 West Pine Street, Lodi

**SUBJECT:** To consider adopting resolution establishing an area of benefit and reimbursable costs for Kettleman Lane improvements

**(SEE ENCLOSED EXHIBITS A & B)**

INFORMATION REGARDING THIS MATTER MAY BE OBTAINED IN THE OFFICE OF PUBLIC WORKS, 221 W. PINE ST., LODI.


WRITTEN STATEMENTS MAY BE FILED WITH THE CITY CLERK, 221 W. PINE ST., 2<sup>ND</sup> FLOOR, LODI, AT ANY TIME PRIOR TO THE HEARING SCHEDULED HEREIN, AND ORAL STATEMENTS MAY BE MADE AT SAID HEARING.

ALL PROCEEDINGS BEFORE THE CITY COUNCIL ARE CONDUCTED IN ENGLISH. THE CITY OF LODI DOES NOT FURNISH INTERPRETERS, AND, IF ONE IS NEEDED, IT SHALL BE THE RESPONSIBILITY OF THE PERSON NEEDING ONE.

ANYONE WISHING TO BE HEARD ON THE ISSUE MAY APPEAR BEFORE THE CITY COUNCIL AT THE TIME OF THE PUBLIC HEARING. IT DESERVES TO BE NOTED THAT THE LEGAL REQUIREMENT OF PUBLIC NOTICE DOES NOT GUARANTEE NOTICE TO ALL PERSONS RESIDING IN OR OTHERWISE USING PROPERTY IN THE GENERAL VICINITY OF THE PROPERTY IN QUESTION. ACCORDINGLY, EACH RESIDENT OF THIS NOTICE IS RESPECTFULLY REQUESTED TO BRING THIS NOTICE PROMPTLY TO THE ATTENTION OF ANY OTHER PERSON OR PERSONS WHOM THE RECIPIENT FEELS MAY BE INTERESTED IN OR AFFECTED BY THIS PROPOSAL IN ORDER THAT ALL PERSONS MAY BE GIVEN AN OPPORTUNITY TO BE HEARD ON THE ISSUE.

IF YOU CHALLENGE THE PROPOSED ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY CLERK/CITY COUNCIL AT, OR PRIOR TO, THE PUBLIC HEARING.

Date Mailed: September 16, 2004

  
**SUSAN J. BLACKSTON**  
**CITY CLERK OF THE CITY OF LODI**





# CITY OF LODI

PUBLICWORKSDEPARTMENT

## EXHIBIT A KETTLEMAN LANE AREA OF BENEFIT



**Exhibit B**

**City of Lodi  
Public Works Department  
Kettleman Lane Frontage Improvement Reimbursement<sup>(1)</sup>**

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<sup>(2)</sup> Prorated based on length of parcel frontage on Kettleman Lane.

<sup>(3)</sup> Miscellaneous Items include Traffic Control, Clearing & Grubbing, and other miscellaneous items.



## **DECLARATION OF POSTING**

### **SET PUBLIC HEARING FOR OCTOBER 20, 2004 TO CONSIDER ADOPTING RESOLUTION ESTABLISHING AN AREA OF BENEFIT AND REIMBURSABLE COSTS FOR KETTLEMAN LANE IMPROVEMENTS**

On Thursday, September 16, 2004, in the City of Lodi, San Joaquin County, California, a copy of a Notice of Public Hearing to consider Adopting Resolution Establishing an Area of Benefit and Reimbursable Costs for Kettleman Lane Improvements, (attached hereto, marked Exhibit "A"), was posted at the following four locations:

Lodi Public Library  
Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 16, 2004, at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON  
CITY CLERK**

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Jacqueline L. Taylor, CMC  
Deputy City Clerk

A handwritten signature in cursive script, reading "Kari J. Chadwick".

Kari J. Chadwick  
Administrative Clerk

---

Jennifer M. Perrin, CMC  
Deputy City Clerk



## **DECLARATION OF MAILING**

### **SET PUBLIC HEARING FOR OCTOBER 20, 2004 TO CONSIDER ADOPTING RESOLUTION ESTABLISHING AN AREA OF BENEFIT AND REIMBURSABLE COSTS FOR KETTLEMAN LANE IMPROVEMENTS**

On September 16, 2004, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a notice to set public hearing for October 20, 2004 to consider adopting resolution establishing an Area of Benefit and Reimbursable Costs for Kettleman Lane Improvements, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 16, 2004, at Lodi, California.

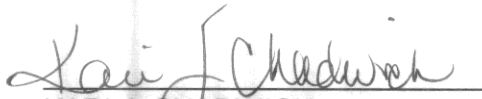
ORDERED BY:

**SUSAN BLACKSTON  
CITY CLERK, CITY OF LODI**

ORDERED BY:

\_\_\_\_\_  
JACQUELINE L. TAYLOR  
DEPUTY CITY CLERK

\_\_\_\_\_  
JENNIFER M. PERRIN  
DEPUTY CITY CLERK

  
\_\_\_\_\_  
KARI J. CHADWICK  
ADMINISTRATIVE CLERK

SJ CNTY OFFICE OF EDUCATION  
PO BOX 213030  
STOCKTON CA 95213

BRITTANY LLC  
PO BOX 1510  
LODI CA 95241

GIANNONI JOHN M JR & KERRY  
2000 W KETTLEMAN LN STE 107  
LODI CA 95242

CHURCH OF GOD 7TH DAY OF LODI  
100 TIENDA DR  
LODI CA 95242

NAKAMURA GEORGE S ETAL  
645 POSADA WAY  
FREMONTCA 94536  
|||...|||

TSUTAOKA MARY  
1833 W KETTLEMAN LN  
LODI CA 95242

BEZUG JOHN & A V  
811 W KETTLEMAN LN  
ODI CA 95240  
|||